

1 continuous basis.

2 14. During the relevant period, Defendant called Plaintiff on her cellular
3 telephone multiple times a day.
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5 15. When contacting Plaintiff on her cellular telephone, Defendant used
6 an automatic telephone dialing system or automatic or pre-recorded messages.
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8 16. Defendant's telephone calls were not made for "emergency purposes."
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10 17. In or around July 2014, Plaintiff revoked consent previously given to
11 Defendant to place telephone calls to her cellular telephone number.
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13 18. Defendant heard and acknowledged Plaintiff's revocation of consent
14 and demand to stop calling her cellular telephone number.
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16 19. Despite having revoked consent to call her cellular telephone,
17 Defendant persisted in calling Plaintiff on her cellular telephone.
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19 20. For example, Defendant contacted Plaintiff on her cellular telephone
20 at the following dates: August 27, 2014, at 2:43 p.m., 3:31 p.m., 4:19 p.m., and
21 4:53 p.m.; August 28, 2014, 1:01 p.m.; August 29, 2014, 8:26 a.m., 8:58 a.m.,
22 9:31 a.m., 10:10 a.m., 10:42 a.m., 11:15 a.m., 2:18 p.m., 2:39 p.m., 2:56 p.m., 3:27
23 p.m., 3:58 p.m., and 4:29 p.m.; August 30, 2014, at 10:17 a.m., 10:51 a.m., 11:23
24 a.m., 1:00 p.m., 1:53 p.m., 5:37 p.m., 6:11 p.m., and 8:38 p.m.; August 31, 2014,
25 at 12:30 p.m., 1:03 p.m., 1:35 p.m., and 2:14 p.m.; September 1, 2014, at 2:37
p.m., 3:15 p.m., 3:46 p.m., 4:23 p.m., 4:56 p.m. and 5:27 p.m.; and September 2,

1 2014, at 1:16 p.m., 3:44 p.m., and 4:31 p.m.

2 **DEFENDANT VIOLATED THE**
3 **TELEPHONE CONSUMER PROTECTION ACT**

4 21. Plaintiff incorporates the forgoing paragraphs as though the same were
5 set forth at length herein.

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7 22. Defendant initiated multiple automated telephone calls to Plaintiff's
8 cellular telephone.

9 23. Defendant initiated these automated calls to Plaintiff using an
10 automatic telephone dialing system.

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12 24. Defendant's calls to Plaintiff were not made for emergency purposes.

13 25. Defendant's calls to Plaintiff, in and after July 2014, were not made
14 with Plaintiff's prior express consent.

15 26. Defendant's acts as described above were done with malicious,
16 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights
17 under the law and with the purpose of harassing Plaintiff.

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19 27. The acts and/or omissions of Defendant were done unfairly,
20 unlawfully, intentionally, deceptively and fraudulently and absent bona fide error,
21 lawful right, legal defense, legal justification or legal excuse.

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23 28. As a result of the above violations of the TCPA, Plaintiff has suffered
24 the losses and damages as set forth above entitling Plaintiff to an award of
25 statutory, actual and trebles damages.

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- a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);
- b. Statutory damages of \$500.00 per violative telephone call pursuant to 47 U.S.C. § 227(b)(3)(B);
- c. Treble damages of \$1,500 per violative telephone call pursuant to 47 U.S.C. § 227(b)(3);
- d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3);
- e. Any other relief deemed appropriate by this Honorable Court.

PLEASE TAKE NOTICE that Plaintiff, RACHEL BEIDARI RAJPUT,
demands a jury trial in this case.

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2 DATED: April 23, 2015
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RESPECTFULLY SUBMITTED,

KIMMEL & SILVERMAN, P.C.

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